

**Federal Defenders  
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May 31, 2015

**By ECF**

The Honorable Kiyo A. Matsumoto  
United States District Judge  
United States District Court  
225 Cadman Plaza East  
Brooklyn New York 11201

**Re: United States v. Franklin Gillespie  
11-CR-371 (KAM)**

Dear Judge Matsumoto:

I submit this letter in anticipation of Mr. Gillespie's upcoming sentencing for violating conditions of supervised release. On March 11, 2015, Mr. Gillespie pled guilty to Charge One of the violation report, which alleged that he violated the terms of his curfew on numerous occasions between December 31, 2014 and January 9, 2015. The parties placed on the record their joint recommendation that Mr. Gillespie be sentenced to 9 months custody followed by two years supervised release. The Court ordered the Probation Department to submit an updated memorandum and the defense to file its sentencing submission a week later.<sup>1</sup>

Having received the updated probation report, the government stands by its recommendation of 9 months custody followed by two years supervised release. In its updated report, the Probation Department, too, recommended a sentence of 9 months custody (in the middle of the advisory Guideline range of 6 to 12 months), followed by two years supervised release. *See* "Report on Offender Under Supervision," ECF No. 57, p. 3. Probation, however, recommended that Mr. Gillespie, upon completing his custodial sentence, spend an additional six months in a Residential Re-entry Center ("RRC"). *Id.* Among its concerns about where Mr. Gillespie resides was that his grandmother's residence, where he usually returns, is not "a suitable residence for supervision as he

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<sup>1</sup>The sentencing was subsequently adjourned on consent at the defense's request based on defense counsel's trial schedule and a delay in receiving the probation update. *See* Order dated April 6, 2015; ECF No. 58, Motion to Continue Sentencing dated April 4, 2015.

continues to make poor choices when he returns there.” *Id.*, p. 2.

To address those concerns, the defense has proposed, as an alternative to Mr. Gillespie’s grandmother’s residence or the halfway house, that Mr. Gillespie be permitted to reside with his girlfriend and her aunt at their apartment on Putnam Avenue in Brooklyn. This setting, we believe, will provide more stability, guidance and support than the housing project apartment where Mr. Gillespie has been living up to this point.

Provided that it finds this residence suitable – a determination it expects to be able to make some time this week – the Probation Department is agreeable to Mr. Gillespie going there, instead of to an RRC, upon his release from custody. Thus, Probation now joins the government and the defense in recommending a sentence of nine months custody followed by two years supervised release. The defense respectfully requests that the Court impose this sentence, which we submit is appropriate and note is within the recommended Guideline range.

Respectfully Submitted,

/s/

Kannan Sundaram  
Assistant Federal Defender

cc: Michael P. Canty  
Assistant U.S. Attorney

Michael P. Imrek  
U.S. Probation Officer